

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

In Re CHAD J. COCHRAN,) Cause No. CV 11-02-BLG-RFC-CSO
)
Petitioner,) FINDINGS AND
)
) RECOMMENDATION OF
)
) U.S. MAGISTRATE JUDGE

On January 3, 2011, Chad Cochran wrote a letter to the Court “to request relief.” He asked that the letter be considered “a writ of habeas corpus.” Letter (doc. 1) at 1. The letter was therefore filed by the Clerk as a petition for writ of habeas corpus.

On January 18, 2011, the Court issued an order giving Cochran the opportunity to amend his petition in various respects and either to pay the \$5.00 filing fee or to file a motion to proceed in forma pauperis. This Order, mailed to Cochran at his last known address, the Big Horn County Jail in Basin, Wyoming, was returned as undeliverable on January 28, 2011.

Cochran’s letter does not name a Respondent. He has neither paid

the filing fee nor moved to proceed in forma pauperis. His action is also subject to dismissal under D. Mont. L.R. 5.5(b) for failure to provide a current mailing address. This action should be dismissed on all three grounds.

A certificate of appealability is not required because this action could only proceed, if at all, under 25 U.S.C. § 1303. *See* 28 U.S.C. § 2253(c)(1).

ORDER

The Clerk of Court shall serve this Order on Cochran at his last known address.

The Court also enters the following:

RECOMMENDATION

1. The Petition (doc. 1) should be DISMISSED.
2. The Clerk of Court should be directed to enter by separate document a judgment of dismissal.

NOTICE OF RIGHT TO OBJECT TO FINDINGS & RECOMMENDATION AND CONSEQUENCES OF FAILURE TO OBJECT

Pursuant to 28 U.S.C. § 636(b)(1), Petitioner may serve and file written objections to this Findings and Recommendation within fourteen (14) days of the date entered as indicated on the Notice of Electronic Filing. A district judge will make a de novo determination of those portions of the Findings and Recommendation to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendation. Failure to timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

Cochran must immediately inform the Court of any change in his mailing address. Failure to do so may result in dismissal of this action without notice to him.

DATED this 6th day of April, 2011.

/s/ Carolyn S. Ostry
United States Magistrate Judge